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7 Attorneys for Plaintiffs California Public
Employees' Retirement System, et al.,

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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 CENTRAL DIVISION

13 CALIFORNIA PUBLIC
14 EMPLOYEES' RETIREMENT
15 SYSTEM, et al.,

16 Plaintiffs,

17 vs.

18 WACHOVIA CAPITAL MARKETS,
LLC d/b/a WACHOVIA SECURITIES,
19 et al.,

20 Defendants.

CASE NO. CV 08-03491 GPS (PLAx)

**PLAINTIFFS' EX PARTE
APPLICATION TO MODIFY THE
SCHEDULE FOR MOTION TO
REMAND AND MOTION TO
TRANSFER VENUE**

[[Proposed] Order filed concurrently
herewith]

1 Plaintiffs California Public Employees' Retirement System, et al.
 2 ("Plaintiffs"), respectfully apply to this Court ex parte for an order modifying by one
 3 week the briefing schedule and hearing date for the anticipated motions to remand
 4 and to transfer venue in light of certain preexisting family and personal obligations
 5 of counsel and their clients. Specifically:

6 1. On June 6, 2008, in response to a joint stipulation of the parties,
 7 the Court set a briefing schedule for the parties' anticipated motions.

8 2. Under the schedule ordered by the Court, one set of briefs (the
 9 reply briefs to both motions) are due on Monday, July 7, which is the day after the
 10 extended July Fourth holiday weekend. Having reply briefs due on that date will
 11 impact pre-existing holiday plans for attorneys and their families, along with other
 12 professional obligations that were previously scheduled with that short work week
 13 in mind. That date will also make it difficult to coordinate with clients in advance
 14 of filing papers.

15 3. Further, Plaintiffs request that the interim date on which the
 16 opposition briefs are now due (June 30) be moved back by two days to July 2 to
 17 accommodate a preexisting family commitment by a key member of Plaintiffs' team.

18 4. Accordingly, Plaintiffs request that the Court slightly modify the
 19 schedule by extending it one week beyond that ordered by the court, as follows:

Current Order	Proposed Modification
Moving briefs due by June 20	No change
Opposition briefs due by June 30	Change to July 2
Reply briefs due by July 7	Change to July 14
Hearing on July 21	Change to July 28

26 5. Under the proposed schedule, briefing would still be completed
 27 two weeks prior to the hearing (and more than two weeks earlier than under the
 28

1 original schedule submitted by the parties), if the proposed July 28 hearing date is
2 acceptable to the Court.

3
4 6. Plaintiffs' counsel has conferred with counsel for the defendants
5 and provided a copy of this application to them. They do not object to the requested
6 relief. Pursuant to local rule 7-19, Plaintiffs have specifically conferred with:
7 Gabor Balassa, Kirkland & Ellis LLP, 200 E. Randolph Drive, Chicago, IL 60601,
8 tel. 312-861-2186, counsel for Ernst & Young LLP; Marc Dworsky, Munger, Tolles
9 & Olson LLP, 355 South Grand Avenue, Thirty-Fifth Floor, Los Angeles, CA
10 90071-1560, tel. (213) 683-9100, counsel for Wachovia Capital Markets, LLC; and
11 Cary B. Samowitz, DLA Piper US LLP, 1251 Avenue of the Americas, New York,
12 New York 10020-1104, Tel. (212) 335-4659; counsel for BDO Seidman, LLP.

13
14 DATED: June 10, 2008

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

15
16 By Bruce E. Van Dalsem
17 Bruce E. Van Dalsem
18 Attorneys for Plaintiffs
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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is : Quinn Emanuel Urquhart Oliver & Hedges, LLP, 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017.

On June 10, 2008, I served true copies of the following document(s) described as

**PLAINTIFFS' EX PARTE APPLICATION TO MODIFY THE SCHEDULE FOR
MOTION TO REMAND AND MOTION TO TRANSFER VENUE**

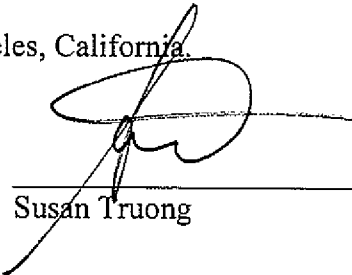
on the parties in this action as follows:

Gabor Balassa Kirkland & Ellis LLP, 200 E. Randolph Drive, Chicago, IL 60601	counsel for Ernst & Young LLP
Emily Nicklin Kirkland & Ellis LLP 200 E. Randolph Drive Chicago, IL 60601	counsel for Ernst & Young LLP
Marc Dworsky Munger, Tolles & Olson LLP, 355 South Grand Avenue, Thirty-Fifth Floor, Los Angeles, CA 90071-1560,	counsel for Wachovia Capital Markets, LLC
Cary B. Samowitz DLA Piper US LLP, 1251 Avenue of the Americas, New York, New York 10020-1104	counsel for BDO Seidman, LLP

- ☒ **BY MAIL:** On June 10, 2008, I enclosed the foregoing into sealed envelope(s) addressed as shown above, and I deposited such envelope(s) in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.
- ☐ **BY FACSIMILE:** On June 10, 2008, I caused said document(s) to be transmitted by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was (213) 443-3100. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 10, 2008, at Los Angeles, California.



Susan Truong